

United States District Court

For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 KIMBERLY CLARK, No. C 04-2122 MMC
12 Plaintiff, **ORDER OF DISMISSAL**
13 v.
14 CITY OF ALBANY, et al.,
15 Defendants

17 The parties having advised the Court that they have agreed to a settlement of the
18 above-titled action.

19 IT IS HEREBY ORDERED that said action be dismissed without prejudice; provided,
20 however, that if any party hereto shall certify to this Court, within ninety days, with proof of
21 service of a copy thereon on opposing counsel, that the agreed consideration for the
22 settlement has not been delivered, the foregoing Order shall stand vacated and the action
23 shall forthwith be restored to the calendar to be set for trial.

24 || IT IS SO ORDERED.

Dated: May 13, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge